

STEVEN G. KALAR  
Federal Public Defender  
VARELL L. FULLER  
Assistant Federal Public Defender  
55 South Market Street, Suite 820  
San Jose, CA 95113  
Telephone: (408) 291-7753  
varell\_fuller@fd.org  
Counsel for Defendant SWEET

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
MADELEINE MORGAN SWEET,  
  
Defendant.

No. CR-17-00330 LHK

**DEFENDANT'S SUBMISSION IN  
ADVANCE OF CHANGE OF PLEA  
HEARING**

**INTRODUCTION**

Defendant Madeleine Sweet intends to change her plea to guilty at the status conference scheduled before this Court on February 28, 2018, at 9:15 a.m. At that time, Ms. Sweet will enter a guilty plea to the sole count of the indictment filed on June 15, 2017. Specifically, she will enter a guilty plea to the possession with intent to distribute, and distribution of, furanyl fentanyl, in violation of 21 U.S.C. § 841(a)(1) and § 841(b)(1)(C). The defense further anticipates it will thereafter respectfully request that the Court refer this matter to United States Pretrial Services for the preparation of a full Conviction Alternative Program ("CAP") assessment. With this in mind, the defense has conferred with Pretrial regarding when it will be

1 able to complete the full assessment. Accordingly, the parties will request that the Court set a  
2 further status date regarding CAP on April 11, 2018, based when Pretrial anticipates it will  
3 complete its assessment.

#### 4 **ELEMENTS OF THE OFFENSE**

5 For a defendant to be guilty of a possession with intent to distribute, and distribution, of a  
6 controlled substance, in violation of 21 U.S.C. § 841(a)(1) and § 841(b)(1)(C), all of the  
7 following must be true: (1) the defendant knowingly possessed a specified controlled substance;  
8 (2) the defendant possessed the controlled substance with the intent to distribute it to another  
9 person; (3) the defendant knowingly distributed the specified controlled substance; and (4) the  
10 defendant knew that it was the specified controlled substance or some other prohibited drug.

#### 11 **PENALTIES**

12 The maximum penalties for a violation of 21 U.S.C. § 841(a)(1) and § 841(b)(1)(C) are:  
13 (1) 20 years in prison; (2) \$1,000,000 fine; (3) lifetime supervised release; (4) \$100 special  
14 assessment; and (5) forfeiture. The defendant will also be subject to a 3-year minimum term of  
15 supervised release and a \$100 special assessment.

#### 16 **FACTUAL BASIS**

17 On or about March 29, 2017, in the Northern District of California, Ms. Sweet knowingly  
18 possessed with the intent to distribute to another person, and knowingly distributed to another  
19 person, N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2carboxamide (furanyl fentanyl).  
20 Specifically, on March 29, 2017, in Monterey, California, Ms. Sweet possessed with intent to  
21 distribute and knowingly did distribute N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-  
22 2carboxamide (furanyl fentanyl) to an undercover officer in violation of 21 U.S.C. § 841(a)(1)  
23 and § 841(b)(1)(C).

#### 24 **WAIVER OF CONSTITUTIONAL RIGHTS**

25 Ms. Sweet understands that by pleading guilty she gives up the following: the right to  
26 persist in a plea of not guilty and the right to a speedy and public trial by jury; the right to the  
27 assistance of counsel at such a trial; the right to be presumed innocent and to have the  
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1 government bear the burden of proving guilt beyond a reasonable doubt; the right to confront and  
2 cross-examine adverse witnesses; the right to testify on her own behalf and to present evidence,  
3 including the right to call witnesses and to subpoena those witnesses to testify; and the right to  
4 remain silent and not be compelled to testify and, if she chose not to testify or present evidence,  
5 not to have such a choice used against her.

6  
7 Date: February 27, 2018

Respectfully submitted,

8 STEVEN G. KALAR  
9 Federal Public Defender

10 /s/  
11 VARELL L. FULLER  
12 Assistant Federal Public Defender  
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